

REMARKS

Applicants respectfully submit this amendment under 37 C.F.R. § 1.116, which states that “[a]fter a final rejection or other final action, amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action.”

The Office action has been carefully considered and the foregoing amendments made in response thereto in compliance with 37 C.F.R. § 1.116, to place all remaining claims in condition for allowance.

Before entry of this Amendment and Response, the status of the application is as follows:

- Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,709,693 to Taylor (“Taylor”).
- Claims 9-10 would be allowable if rewritten in independent form.
- Claims 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,899,909 to Claren *et al.* (“Claren”).
- Claims 11-19 are allowed.

Claim 1 has been amended to include the language suggested by the Examiner in the Office action, thereby rendering claim 1 patentable. Claim 20 has been amended to recite a limitation not taught by Claren, thereby rendering claim 20 patentable. Support for the amendments can be found at least at page 4, lines 6-11, page 7, lines 16-21, and page 10, lines 24-27. No new matter is entered thereby. Applicants respectfully submit that claims 1-23 are in condition for allowance.

In view of the above amendments and following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections and objection of claims 1-10, and 20-23.

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1. Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Taylor.

Applicants respectfully traverse this rejection as applied to the claims, as amended.

Applicants hereby amend independent claim 1 to include the language “for deployment of the needle carrier therethrough” in between the words “forward-directed exit port” and “wherein the needle catch,” as suggested by the Examiner in the Office action.

Taylor discloses a static clutch body 22 and a dynamic clutch body 24 disposed within an elongate body tube 30. The static clutch body 22 includes clutch fingers 26 that advance a needle 12. See Taylor, column 2, lines 24-33 and 54-58. The dynamic clutch body 24 and static clutch body 22 do not appear to be deployable outside the elongated body tube 30. Further, Taylor is silent with respect to a “forward-directed exit port for deployment of the needle carrier therethrough.” Accordingly, Taylor fails to teach each and every element of the invention as recited in amended claim 1. Therefore, Applicants respectfully submit that independent claim 1 as amended is patentable over Taylor. Because claims 2-10 depend, either directly or indirectly, from independent claim 1, Applicants respectfully submit that claims 2-10 are patentable, as well.

2. Claims 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Claren.

Applicants respectfully traverse this rejection as applied to the claims, as amended.

Applicants hereby amend independent claim 20 to recite, in part, a retractable forward-deploying needle carrier. Claren teaches a shank 10 and a needle 21 that form a rigid unit when screwed together via a socket 14. See Claren, column 3, lines 7-31. Neither the shank 10 nor the socket 21 is capable of retracting. Accordingly, Applicants respectfully submit that Claren fails to teach each and every element of the invention as recited in amended claim 20. Therefore, Applicants respectfully submit that independent claim 20, as amended, is patentable over Claren.

Because claims 21-23 depend, either directly or indirectly, from amended independent claim 20, Applicants respectfully submit that claims 21-23 are patentable, as well.

3. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants respectfully traverse this objection as applied to the claims, as amended.

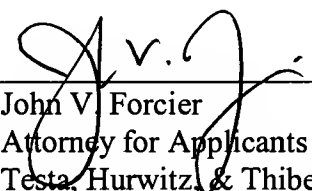
As discussed above, claim 1 has been amended to incorporate the language suggested by the Examiner, thereby rendering independent claim 1 patentable. Applicants respectfully submit that, because claims 9 and 10 indirectly depend from amended independent claim 1 and include all the limitations thereof, these claims are patentable as a matter of law.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection and objection, and allowance of claims 1-23 in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

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